

EIGHTH DAY.

(Wednesday, April 25, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Kemble.
Amsler.	Lackey.
Arnold.	Laird.
Atkinson.	Lane.
Avis.	LeMaster.
Baker of Milam.	LeSturgeon.
Baker of Orange.	Loftin.
Barker.	Looney.
Barrett.	McBride.
Bell.	McDaniel.
Blount.	McDonald.
Bonham.	McFarlane.
Bryant.	McNatt.
Burmeister.	Martin.
Cable.	Mathes.
Carpenter	Maxwell.
of Matagorda.	Melson.
Carson.	Merritt.
Carter of Hays.	Miller.
Chitwood.	Montgomery.
Coffee.	Moore.
Collins.	Morgan
Covey.	of Liberty.
Cowen.	Morgan
Crawford.	of Robertson.
Culp.	Pate.
Davenport.	Patterson.
Davis.	Perdue.
DeBerry.	Pinkston.
Dinkle.	Pool.
Dodd.	Pope.
Downs.	Potter.
Driggers.	Price.
Duffey.	Purl.
Dunlap.	Quaid.
Dunn.	Quinn.
Durham.	Rice.
Edwards.	Robinson.
Fields.	Rountree.
Finlay.	Rowland.
Gipson.	Russell
Green.	of Callahan.
Greer.	Russell of Trinity.
Hardin	Sackett.
of Kaufman.	Sanford.
Harrington.	Satterwhite.
Harris.	Shearer.
Henderson	Simpson.
of Marion.	Smith.
Henderson	Sparkman.
of McLennan.	Stell.
Hendricks.	Stewart of Jasper.
Houston.	Stewart of Reeves.
Jacks.	Stiernberg.
Jennings.	Stroder.
Johnson.	Sweet.
Jones.	Thompson.

Thrasher.
Turner.
Vaughan.
Wallace.
Westbrook.

Wessels.
Williamson.
Wilmons.
Wilson.
Young.

Absent.

Carter of Coke. Stevens.
Dielmann. Teer.
Fugler.

Absent—Excused.

Baldwin.	Lewis.
Beasley.	Lusk.
Bird.	McKean.
Bobbitt.	Merriman.
Carpenter	Patman.
of Dallas.	Rogers.
Faubion.	Shires.
Frnka.	Stewart
Hardin of Erath.	of Edwards.
Howeth.	Storey.
Hughes.	Strickland.
Hull.	Wells.
Irwin.	Winfree.
Lamb.	

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Strickland for today and remainder of week, on motion of Mr. Price.

Mr. Storey for today and tomorrow, on motion of Mr. Loftin.

Mr. Wilson for yesterday, on motion of Mr. Patterson.

Mr. Carpenter of Dallas for today, on motion of Mr. Culp.

Mr. Winfree and Mr. McKean for today, on motion of Mr. Potter.

Mr. Bobbitt for today and remainder of week, on motion of Mr. Arnold.

Mr. Wells for today, on motion of Mr. Montgomery.

Mr. Hull for today, on motion of Mr. Jacks.

The following members were granted leaves of absence on account of important committee work:

Messrs. Henderson of Marion, Baldwin, Bonham and Laird for today, on motion of Mr. Rountree.

Messrs. Beasley, Shires, Patman, Irwin and Lewis for today, on motion of Mr. Stewart of Reeves.

The following members were granted

leaves of absence on account of sickness:

Mr. Hardin of Erath for today, on motion of Mr. Covey.

Mr. Howeth for today, on motion of Mr. Duffey.

Mr. Rogers for today, on motion of Mr. Cowen.

HOUSE BILL NO. 5 ON ENGROSSMENT.

The Speaker laid before the House, as a special order for this hour, on its passage to engrossment,

H. B. No. 5, A bill to be entitled "An Act making appropriation to pay salaries of judges, and the support of the Judicial Department of the State government for the two years beginning September 1, 1923, and ending August 31, 1925."

The bill having been read second time on yesterday and set as a special order for 10 o'clock a. m. today.

Mr. Quaid offered the following amendment to the bill:

Amend House bill No. 5, page 1, line 37, by striking out figures of "\$2000" in both columns and substituting therefor "\$3000."

Mr. Satterwhite moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 5, and the call was not seconded.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—58.

Abney.	Harris.
Amsler.	Henderson
Baker of Milam.	of McLennan.
Baker of Orange.	Hendricks.
Bell.	Jacks.
Blount.	Jennings.
Bonham.	Jones.
Burmeister.	Kemble.
Chitwood.	McDonald.
Coffee.	McNatt.
Cowen.	Martin.
Crawford.	Mathes.
Dinkle.	Maxwell.
Driggers.	Merritt.
Dunlap.	Miller.
Dunn.	Montgomery.
Durham.	Moore.
Gipson.	Morgan
Green.	of Liberty.
Hardin	Morgan
of Kaufman.	of Robertson.
Harrington.	Pinkston.

Pool.	Smith.
Potter.	Stewart of Reeves.
Quaid.	Stiernberg.
Quinn.	Sweet.
Robinson.	Thrasher.
Rountree.	Vaughan.
Russell, of Trinity.	Wallace.
Sackett.	Wilmans.
Sanford.	Wilson.
Satterwhite.	

Nays—40.

Arnold.	Looney.
Atkinson.	McBride.
Avis.	McDaniel.
Barrett.	McFarlane.
Bryant.	Melson.
Cable.	Pate.
Carson.	Patterson.
Carter of Hays.	Perdue.
Covey.	Pope.
Culp.	Rice.
Davenport.	Rowland.
Davis.	Shearer.
DeBerry.	Simpson.
Dodd.	Stewart of Jasper.
Downs.	Stroder.
Duffey.	Thompson.
Finlay.	Turner.
Greer.	Westbrook.
Houston.	Wessels.
Lane.	Young.
LeMaster.	

Present—Not Voting.

Mr. Speaker.	Russell
Collins.	of Callahan.

Absent.

Barker.	Johnson.
Carpenter	Lackey.
of Matagorda.	Laird.
Carter of Coke.	LeSturgeon.
Dielmann.	Loftin.
Edwards.	Price.
Faubion.	Purl.
Fields.	Sparkman.
Fugler.	Stell.
Hardin of Erath.	Stevens.
Henderson	Teer.
of Marion.	Williamson.

Absent—Excused.

Baldwin.	Lusk.
Beasley.	McKean.
Bird.	Merriman.
Bobbitt.	Patman.
Carpenter	Rogers.
of Dallas.	Shires.
Frnka.	Stewart
Howeth.	of Edwards.
Hughes.	Storey.
Hull.	Strickland.
Irwin.	Wells.
Lamb.	Winfree.
Lewis.	

Mr. Quaid offered the following amendment to the bill:

Amend House bill No. 5, page 2, line 6, by changing "\$39,000" to "\$32,500" in last column for 1925.

The amendment was adopted.

Mr. Burmeister moved that the House consider the bill section by section.

The motion prevailed.

Mr. Quaid offered the following amendment to the section relating to the Supreme Court:

Amend House bill No. 5, page 2, lines 2 and 3, by striking out the words "August 31, 1925," and insert in lieu thereof "for 10 month period ending June 30, 1925."

The amendment was adopted.

Mr. Quaid offered the following amendment to this section of the bill:

Amend House bill No. 5, page 2, line 10, by changing "\$900," in last column, to "\$750."

The amendment was adopted.

Mr. Pope offered the following amendment to this section of the bill:

Amend House bill No. 5 by striking out lines 13 to 31, page 2, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants,

and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—86.

Abney.	Hendricks.
Amsler.	Houston.
Arnold.	Johnson.
Atkinson.	Jones.
Avis.	Kemble.
Baker of Milam.	Lane.
Baker of Orange.	LeMaster.
Barker.	Looney.
Barrett.	McDaniel.
Bell.	McDonald.
Blount.	McFarlane.
Bonham.	McNatt.
Bryant.	Maxwell.
Cable.	Merritt.
Chitwood.	Montgomery.
Coffee.	Moore.
Collins.	Morgan
Cowen.	of Liberty.
Crawford.	Pate.
Culp.	Perdue.
Davenport.	Pinkston.
Davis.	Pope.
DeBerry.	Potter.
Dinkle.	Quaid.
Dodd.	Quinn.
Downs.	Rice.
Driggers.	Robinson.
Duffey.	Rowland.
Dunlap.	Russell
Dunn.	of Callahan.
Durham.	Russell of Trinity.
Finlay.	Sanford.
Green.	Satterwhite.
Greer.	Shearer.
Hardin	Simpson.
of Kaufman.	Stell.
Harrington.	Stewart of Jasper.
Harris.	Stewart of Reeves.
Henderson	Stroder.
of McLennan.	Sweet.

Thompson.
Turner.
Vaughan.
Wallace.
Westbrook.

Wessels.
Wilmans.
Wilson.
Young.

Nays—11.

Burmeister.
Carson.
Edwards.
Gipson.
Jacks.
Jennings.

Pool.
Rountree.
Sackett.
Smith.
Thrasher.

Present—Not Voting.

Mr. Speaker. Carter of Hays.
Carpenter Patterson.
of Matagorda. Stiernberg.

Absent.

Carter of Coke. McBride.
Covey. Martin.
Dielmann. Mathes.
Faubion. Melson.
Fields. Miller.
Fugler. Morgan
Hardin of Erath. of Robertson.
Henderson Price.
of Marion. Purl.
Lackey. Sparkman.
Laird. Stevens.
LeSturgeon. Teer.
Loftin. Williamson.

Absent—Excused.

Baldwin. Lusk.
Beasley. McKean.
Bird. Merriman.
Bobbitt. Patman.
Carpenter Rogers.
of Dallas. Shires.
Frnka. Stewart
Howeth. of Edwards.
Hughes. Storey.
Hull. Strickland.
Irwin. Wells.
Lamb. Winfree.
Lewis.

Mr. Abney offered the following amendment to this section of the bill:

Amend House bill No. 5, page 2, line 7, as follows: Strike out word "three" and insert in lieu thereof word "two." Strike out figures "4500" and insert in lieu thereof "3000." Strike out figures "3750" and insert in lieu thereof "2500."

Mr. Quaid moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—50.

Baker of Milam. LeSturgeon.
Baker of Orange. McDonald.
Barker. McNatt.
Barrett. Martin.
Blount. Mathes.
Bonham. Moore.
Burmeister. Pool.
Carter of Hays. Potter.
Cowen. Quaid.
DeBerry. Quinn.
Dunlap. Rountree.
Dunn. Rowland.
Durham. Russell of Trinity.
Edwards. Sackett.
Fugler. Sanford.
Gipson. Satterwhite.
Harrington. Smith.
Harris. Sweet.
Hendricks. Thrasher.
Jacks. Turner.
Jennings. Wallace.
Jones. Wilmans.
Kemble. Wilson.
Lane. Young.
LeMaster.

Nays—51.

Abney. Looney.
Amsler. McBride.
Arnold. McDaniel.
Atkinson. McFarlane.
Avis. Maxwell.
Bryant. Merritt.
Cable. Morgan
Carpenter of Liberty.
of Matagorda. Pate.
Carson. Perdue.
Collins. Pinkston.
Covey. Pope.
Crawford. Rice.
Culp. Robinson.
Davenport. Russell
Davis. of Callahan.
Dinkle. Shearer.
Dodd. Simpson.
Downs. Stell.
Driggers. Stewart of Jasper.
Duffey. Stewart of Reeves.
Finlay. Stiernberg.
Green. Stroder.
Greer. Thompson.
Hardin Vaughan.
of Kaufman. Westbrook.
Houston. Wessels.
Laird.

Present—Not Voting.

Mr. Speaker. Patterson.

Absent.

Bell. Dielmann.
Carter of Coke. Faubion.
Chitwood. Fields.
Coffee. Hardin of Erath.

Henderson of Marion.	Montgomery.
Henderson of McLennan.	Morgan of Robertson.
Johnson.	Price.
Lackey.	Purl.
Lamb.	Sparkman.
Loftin.	Stevens.
Melson.	Teer.
Miller.	Williamson.

Absent—Excused.

Baldwin.	Lusk.
Beasley.	McKean.
Bird.	Merriman.
Bobbitt.	Patman.
Carpenter of Dallas.	Rogers.
Frnka.	Shires.
Howeth.	Stewart of Edwards.
Hughes.	Storey.
Hull.	Strickland.
Irwin.	Wells.
Lewis.	Winfree.

Mr. Jones moved a call of the House for the purpose of maintaining a quorum until 12 o'clock m. today.

The motion prevailed.

The Speaker then directed the Door-keeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Jones, the Sergeant-at-Arms was instructed to bring in all absentees within the city, except those doing special committee work.

The roll was called and a quorum was announced present.

Mr. Davenport moved the previous question on the pending amendment and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—61.

Abney.	Cowen.
Amsler.	Crawford.
Arnold.	Culp.
Atkinson.	Davenport.
Avis.	Davis.
Barrett.	DeBerry.
Bryant.	Dinkle.
Cable.	Dodd.
Carpenter of Matagorda.	Downs.
Carson.	Driggers.
Collins.	Duffey.
Covey.	Fields.
	Finlay.

Green.	Robinson.
Hardin	Rowland.
of Kaufman.	Russell
Houston.	of Callahan.
Lane.	Sanford.
Loftin.	Shearer.
Looney.	Simpson.
McBride.	Sparkman.
McDaniel.	Stell.
McFarlane.	Stewart of Jasper.
Mathes.	Stewart of Reeves.
Merritt.	Stroder.
Morgan	Thompson.
of Liberty.	Turner.
Pate.	Vaughan.
Perdue.	Westbrook.
Pinkston.	Wessels.
Pope.	Wilson.
Rice.	Young.

Nays—47.

Baker of Milam.	Lackey.
Baker of Orange.	LeMaster.
Barker.	LeStourgeon.
Blount.	McDonald.
Burmeister.	McNatt.
Carter of Hays.	Martin.
Chitwood.	Maxwell.
Coffee.	Melson.
Dunlap.	Moore.
Dunn.	Pool.
Durham.	Potter.
Edwards.	Purl.
Fugler.	Quaid.
Gipson.	Quinn.
Greer.	Rountree.
Harrington.	Russell of Trinity.
Henderson	Sackett.
of Marion.	Satterwhite.
Hendricks.	Smith.
Jacks.	Stiernberg.
Jennings.	Sweet.
Johnson.	Thrasher.
Jones.	Wallace.
Kemble.	Wilmans.

Absent.

Bell.	Lamb.
Bonham.	Miller.
Carter of Coke.	Montgomery.
Dielmann.	Morgan
Faubion.	of Robertson.
Hardin of Erath.	Patterson.
Harris.	Price.
Henderson	Stevens.
of McLennan.	Teer.
Laird.	Williamson.

Absent—Excused.

Baldwin.	Frnka.
Beasley.	Howeth.
Bird.	Hughes.
Bobbitt.	Hull.
Carpenter	Irwin.
of Dallas.	Lewis.

Lusk.	Stewart
McKean.	of Edwards.
Merriman.	Storey.
Patman.	Strickland.
Rogers.	Wells.
Shires.	Winfree.

Mr. Abney moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Westbrook offered the following amendment to this section of the bill:

Amend House bill No. 5, page 1, line 31, by striking out "\$720 for each year" and insert "\$600 for each year."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—59.

Abney.	Houston.
Amsler.	Jennings.
Arnold.	LeMaster.
Atkinson.	Looney.
Avis.	McDaniel.
Barker.	McFarlane.
Barrett.	McKean.
Bonham.	Maxwell.
Bryant.	Merritt.
Cable.	Moore.
Carpenter	Pate.
of Matagorda.	Perdue.
Carson.	Pinkston.
Coffee.	Pope.
Collins.	Rice.
Covey.	Robinson.
Cowen.	Rowland.
Crawford.	Russell
Culp.	of Callahan.
Davenport.	Sanford.
Davis.	Simpson.
DeBerry.	Sparkman.
Downs.	Stell.
Driggers.	Stewart of Jasper.
Durham.	Stewart of Reeves.
Fields.	Stiernberg.
Finlay.	Thompson.
Green.	Turner.
Greer.	Westbrook.
Harrington.	Wessels.
Henderson	Wilson.
of McLennan.	Young.

Nays—43.

Baker of Orange.	Dunn.
Blount.	Edwards.
Burmeister.	Fugler.
Carter of Hays.	Gipson.
Chitwood.	Hardin
Dinkle.	of Kaufman.
Duffey.	Hendricks.
Dunlap.	Jacks.

Johnson.	Pool.
Jones.	Potter.
Kemble.	Purl.
Lackey.	Quaid.
Lane.	Quinn.
LeStourgeon.	Rountree.
Loftin.	Russell of Trinity.
McBride.	Sackett.
McDonald.	Satterwhite.
McNatt.	Shearer.
Martin.	Smith.
Mathes.	Sweet.
Morgan	Thrasher.
of Liberty.	Williamson.
Patterson.	Wilmans.

Present—Not Voting.

Mr. Speaker.	Harris.
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Absent.

Baker of Milam.	Melson.
Bell.	Miller.
Carter of Coke.	Montgomery.
Dielmann.	Morgan
Dodd.	of Robertson.
Faubion.	Price.
Hardin of Erath.	Stevens.
Henderson	Stroder.
of Marion.	Teer.
Laird.	Vaughan.
Lamb.	Wallace.

Absent—Excused.

Baldwin.	Lusk.
Beasley.	Merriman.
Bird.	Patman.
Bobbitt.	Rogers.
Carpenter	Shires.
of Dallas.	Stewart
Frnka.	of Edwards.
Howeth.	Storey.
Hughes.	Strickland.
Hull.	Wells.
Irwin.	Winfree.
Lewis.	

Mr. Westbrook offered the following amendment to this section of the bill:

Amend House bill No. 5, page 1, line 32, by striking out "\$720 each year" and insert "\$600 each year."

The amendment was lost.

Mr. Perdue offered the following amendment to this section of the bill:

Amend House bill No. 5 by striking out in line 23, page 1, "5400" in each column and insert "4500."

Mr. Jones moved the previous question on the pending amendment and the main question was ordered.

Question recurring on the amendment, it was lost.

Mr. Simpson moved to reconsider the vote by which the amendment by Mr.

Westbrook relating to porter for court-room was lost.

The motion to reconsider prevailed.

Question—Shall the amendment by Mr. Westbrook be adopted?

RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

S. J. R. No. 1, In memory of ex-Governor Campbell.

S. C. R. No. 9, Memorializing Congress for transportation act.

S. C. R. No. 7, Designating bird and wild flower day.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, April 25, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in the House amendment to Senate Concurrent Resolution No. 9.

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

RECESS.

On motion of Mr. Moore, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

HOUSE BILL NO. 5 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 5, making appropriations for the support of the Judicial Department, on its passage to engrossment, with amendment by Mr. Westbrook to that section of the bill relating to the Supreme Court pending.

Mr. Lackey moved the previous question on the amendment and the main question was ordered.

Question recurring on the amendment, it was lost.

Mr. Purl moved to reconsider the

vote by which the amendment was lost and to table the motion to reconsider.

The motion to table prevailed.

Mr. Pope offered the following amendment to the section relating to the Court of Criminal Appeals:

Amend House bill No. 5 by striking out lines 15 to 22, page 3, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged (or from any other source) or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly showing the amount of the fees collected for the preceding month from all sources."

The amendment was adopted.

Mr. Pope offered the following amendment to the section relating to the Assistant Attorney General of the Court of Criminal Appeals:

Amend House bill No. 5 by striking out lines 5 to 12, page 4, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources."

The amendment was adopted.

Mr. Burmeister offered the following

amendment to the section relating to the Court of Criminal Appeals:

Amend House bill No. 5, on page 2, line 39, by striking out the figures "\$1500" and inserting the figures "\$1800," and changing the figures "\$3000—\$3000" to "\$3600—\$3600" on same line.

The amendment was lost.

Mr. Westbrook offered the following amendment to this section of the bill:

Amend House bill No. 5, page 3, line 5, by striking out "\$720 for both years" and insert "\$600 for each year."

Mr. Hardin of Kaufman moved to table the amendment.

The motion to table was lost.

Question next recurring on the amendment, it was adopted.

Mr. Burmeister moved to reconsider the vote by which the amendment relating to stenographer salary was lost.

Mr. McFarlane moved to table the motion to reconsider.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—54.

Amsler.	Loftin.
Atkinson.	Looney.
Avis.	McDaniel.
Barker.	McFarlane.
Barrett.	Merritt.
Bonham.	Pate.
Cable.	Perdue.
Carson.	Pool.
Coffee.	Pope.
Covey.	Rice.
Cowen.	Robinson.
Crawford.	Rowland.
Culp.	Satterwhite.
Davis.	Shearer.
DeBerry.	Sparkman.
Dodd.	Stell.
Downs.	Stevens.
Driggers.	Stewart of Jasper.
Duffey.	Stiernberg.
Dunn.	Stroder.
Finlay.	Teer.
Greer.	Thompson.
Harrington.	Vaughan.
Henderson	Westbrook.
of McLennan.	Wessels.
Houston.	Wilson.
Jacks.	Young.
Laird.	

Nays—45.

Arnold.	Carter of Hays.
Baker of Milam.	Chitwood.
Baker of Orange.	Dinkle.
Burmeister.	Dunlap.
Carpenter	Durham.
of Matagorda.	Fields.

Gipson.	Morgan
Green.	of Liberty.
Hardin of Erath.	Morgan
Hardin	of Robertson.
of Kaufman.	Pinkston.
Harris.	Potter.
Henderson	Purl.
of Marion.	Quaid.
Hendricks.	Rountree.
Jennings.	Russell of Trinity.
Jones.	Sackett.
Lackey.	Sanford.
Lane.	Simpson.
LeMaster.	Smith.
LeSturgeon.	Sweet.
McDonald.	Thrasher.
McNatt.	Wallace.
Mathes.	Williamson.
Maxwell.	Wilmons.
Melson.	

Present—Not Voting.

Mr. Speaker.	Russell
Bryant.	of Callahan.
Quinn.	

Absent.

Abney.	Johnson.
Baldwin.	Kemble.
Bell.	Lamb.
Bird.	McBride.
Blount.	Martin.
Carter of Coke.	Miller.
Collins.	Montgomery.
Davenport.	Moore.
Dielmann.	Patterson.
Edwards.	Price.
Faubion.	Stewart of Reeves.
Fugler.	Turner.

Absent—Excused.

Beasley.	McKean.
Bobbitt.	Merriman.
Carpenter	Patman.
of Dallas.	Rogers.
Frnka.	Shires.
Howeth.	Stewart
Hughes.	of Edwards.
Hull.	Storey.
Irwin.	Strickland.
Lewis.	Wells.
Lusk.	Winfree.

Reason for Vote.

I voted in favor of the Burmeister amendment for the reason that it proposed to retain the salaries at the same amounts now being paid the stenographers of the Court of Criminal Appeals, and which the bill as reported proposed to reduce from \$1800 to \$1500 each, the reductions proposed being also \$300 less than the amount of the salary which the House has fixed for each of the Supreme Court reporters.

FIELDS.

Mr. Pope offered the following amendment to the section of the bill relating to the Court of Civil Appeals, First District:

Amend House bill No. 5 by striking out lines 34 to 40, page 4, and line 1, page 5, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employees thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employees to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources.

"The warrant or voucher for the salaries to be paid to the judges of the court next hereinabove named shall not

be paid or cashed unless the same be accompanied by a true statement from the judge in whose favor the warrant is drawn that such judge has read the briefs of counsel and all motions and that the record in the case, briefs of counsel and motions were respectively duly considered by all the judges of said court in duly assembled meeting, and that in every instance where such judge disagreed with the majority opinion of the court on any matter, said judge has prepared and duly filed his dissenting opinion, and that he is not a party to any agreement that no dissenting opinion will be filed in any case, and that he has read and considered with the other members of the court every motion for rehearing in every cause in which a motion for rehearing has either been granted or overruled by the majority opinion of the court."

Mr. Satterwhite moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 5 and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called and a quorum was announced present.

On motion of Mr. Satterwhite, the Sergeant-at-Arms was instructed to bring in all absentees within the Capitol except those doing special committee work.

Question then recurring on the amendment by Mr. Pope, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—71.

Abney.	Carson.
Amsler.	Carter of Hays.
Arnold.	Collins.
Atkinson.	Covey.
Avis.	Crawford.
Baker of Milam.	Culp.
Baker of Orange.	Davis.
Barker.	DeBerry.
Barrett.	Dinkle.
Bonham.	Dodd.
Cable.	Downs.
Carpenter	Driggers.
of Matagorda.	Duffey.

Dunn.	Purl.
Fields.	Rice.
Finlay.	Robinson.
Greer.	Rouptree.
Hardin of Erath.	Rowland.
Henderson	Russell
of Marion.	of Callahan.
Henderson	Russell of Trinity.
of McLennan.	Sanford.
Houston.	Shearer.
Laird.	Simpson.
LeMaster.	Sparkman.
Looney.	Stell.
McDaniel.	Stevens.
McFarlane.	Stewart of Jasper.
Melson.	Stroder.
Merritt.	Teer.
Montgomery.	Thompson.
Morgan	Vaughan.
of Liberty.	Wallace.
Pate.	Westbrook.
Perdue.	Wessels.
Pinkston.	Young.
Pope.	

Nays—28.

Blount.	Martin.
Chitwood.	Mathes.
Dunlap.	Maxwell.
Gipson.	Morgan
Harrington.	of Robertson.
Harris.	Patterson.
Hendricks.	Potter.
Jacks.	Quaid.
Jennings.	Sackett.
Jones.	Satterwhite.
Kemble.	Smith.
Lackey.	Stiernberg.
LeSturgeon.	Sweet.
McDonald.	Thrasher.
McNatt.	Wilmans.

Present—Not Voting.

Mr. Speaker.	Hardin
Bryant.	of Kaufman.
Edwards.	Stewart of Reeves.

Absent.

Baldwin.	Johnson.
Bell.	Lamb.
Bird.	Lane.
Burmeister.	Loftin.
Carter of Coke.	McBride.
Coffee.	Miller.
Cowen.	Moore.
Davenport.	Pool.
Dielmann.	Price.
Durham.	Quinn.
Faubion.	Turner.
Fugler.	Williamson.
Green.	Wilson.

Absent—Excused.

Beasley.	Carpenter
Bobbitt.	of Dallas.

Frnka.	Patman.
Howeth.	Rogers.
Hughes.	Shires.
Hull.	Stewart
Irwin.	of Edwards.
Lewis.	Storey.
Lusk.	Strickland.
McKean.	Wells.
Merriman.	Winfree.

Mr. Pope, by unanimous consent, offered the following amendments to the bill:

Amend House bill No. 5 by striking out lines 25 to 32, page 5, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall

be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources.

"The warrant or voucher for the salaries to be paid to the judges of the court next hereinabove named shall not be paid or cashed unless the same be accompanied by a true statement from the judge in whose favor the warrant is drawn that such judge has read the briefs of counsel and all motions, and that the record in the case, briefs of counsel and motions were respectively duly considered by all the judges of said court in duly assembled meeting, and that in every instance where such judge disagreed with the majority opinion of the court on any matter, said judge has prepared and duly filed his dissenting opinion, and that he is not a party to any agreement that no dissenting opinion will be filed in any case, and that he has read and considered with the other members of the court every motion for rehearing in every cause in which a motion for rehearing has either been granted or overruled by the majority opinion of the court."

Amend House bill No. 5 by striking out lines 20 to 27, page 6, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused

portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources.

"The warrant or voucher for the salaries to be paid to the judges of the court next hereinabove named shall not be paid or cashed unless the same be accompanied by a true statement from the judge in whose favor the warrant is drawn that such judge has read the briefs of counsel and all motions, and that the record in the case, briefs of counsel and motions were respectively duly considered by all the judges of said court in duly assembled meeting, and that in every instance where such judge disagreed with the majority opinion of the court on any matter, said judge has prepared and duly filed his dissenting opinion, and that he is not a party to any agreement that no dissenting opinion will be filed in any case and that he has read and considered with the other members of the court every motion for rehearing in every cause in which a motion for rehearing has either been granted or overruled by the majority opinion of the court."

Amend House bill No. 5 by striking out all of lines 12 to 19, page 7, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the

amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources.

"The warrant or voucher for the salaries to be paid to the judges of the court next hereinabove named shall not be paid or cashed unless the same be accompanied by a true statement from the judge in whose favor the warrant is drawn that such judge has read the briefs of counsel and all motions, and that the record in the case, briefs of counsel and motions were respectively duly considered by all the judges of said court in duly assembled meeting, and that in every instance where such judge disagreed with the majority opinion of the court on any matter, said judge has prepared and duly filed his dissenting opinion, and that he is not a party to any agreement that no dissenting opinion will be filed in any case,

and that he has read and considered with the other members of the court every motion for rehearing in every cause in which a motion for rehearing has either been granted or overruled by the majority opinion of the court."

Amend House bill No. 5 by striking out all of line 40, page 7, and lines 1 to 7, page 8, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources.

"The warrant or voucher for the salaries to be paid to the judges of the court next hereinabove named shall not be paid or cashed unless the same be accompanied by a true statement from the judge in whose favor the warrant is drawn that such judge has read the briefs of counsel and all motions, and that the record in the case, briefs of counsel and motions were respectively duly considered by all the judges of said court in duly assembled meeting, and that in every instance where such judge disagreed with the majority opinion of the court on any matter, said judge has prepared and duly filed his dissenting opinion, and that he is not a party to any agreement that no dissenting opinion will be filed in any case, and that he has read and considered with the other members of the court every motion for rehearing in every cause in which a motion for rehearing has either been granted or overruled by the majority opinion of the court."

Amend House bill No. 5 by striking out all of lines 28 to 35 and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants,

and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources.

"The warrant or voucher for the salaries to be paid to the judges of the court next hereinabove named shall not be paid or cashed unless the same be accompanied by a true statement from the judge in whose favor the warrant is drawn that such judge has read the briefs of counsel and all motions, and that the record in the case, briefs of counsel and motions were respectively duly considered by all the judges of said court in duly assembled meeting, and that in every instance where such judge disagreed with the majority opinion of the court on any matter, said judge has prepared and duly filed his dissenting opinion, and that he is not a party to any agreement that no dissenting opinion will be filed in any case, and that he has read and considered with the other members of the court every motion for rehearing in every cause in which a motion for rehearing has either been granted or overruled by the majority opinion of the court."

Amend House bill No. 5 by striking out all of lines 22 to 29, page 9, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and

be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof; and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources.

"The warrant or voucher for the salaries to be paid to the judges of the court next hereinbefore named shall not be paid or cashed unless the same be accompanied by a true statement from the judge in whose favor the warrant is drawn that such judge has read the briefs of counsel and all motions, and that the record in the case, briefs of counsel and motions were respectively duly considered by all the judges of said court in duly assembled meeting, and that in every instance where such judge disagreed with the majority opinion of the court on any matter, said judge has prepared and duly filed his dissenting opinion, and that he is not a party to any agreement that no dissenting opinion will be filed in any case, and that he has read and considered with the other members of the court every motion for rehearing in every cause in which a motion for rehearing has either been granted or over-

ruled by the majority opinion of the court."

Amend House bill No. 5 by striking out all of lines 15 to 22, page 10, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources.

"The warrant or voucher for the salaries to be paid to the judges of the court next hereinabove named shall not be paid or cashed unless the same be accompanied by a true statement from

the judge in whose favor the warrant is drawn that such judge has read the briefs of counsel and all motions, and that the record in the case, briefs of counsel and motions were respectively duly considered by all the judges of said court in duly assembled meeting, and that in every instance where such judge disagreed with the majority opinion of the court on any matter, said judge has prepared and duly filed his dissenting opinion, and that he is not a party to any agreement that no dissenting opinion will be filed in any case, and that he has read and considered with the other members of the court every motion for rehearing in every cause in which a motion for rehearing has either been granted or overruled by the majority opinion of the court."

Amend House bill No. 5 by striking out all of lines 7 to 14, page 11, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and

collected for all other services rendered by said court, the clerk, stenographers or other employes to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources.

"The warrant or voucher for the salaries to be paid to the judges of the court next hereinabove named shall not be paid or cashed unless the same be accompanied by a true statement from the judge in whose favor the warrant is drawn that such judge has read the briefs of counsel and all motions, and that the record in the case, briefs of counsel and motions were respectively duly considered by all the judges of said court in duly assembled meeting, and that in every instance where such judge disagreed with the majority opinion of the court on any matter, said judge has prepared and duly filed his dissenting opinion, and that he is not a party to any agreement that no dissenting opinion will be filed in any case, and that he has read and considered with the other members of the court every motion for rehearing in every cause in which a motion for rehearing has either been granted or overruled by the majority opinion of the court."

Amend House bill No. 5 by striking out all of lines 35 to 40, page 11, and lines 1 and 2, page 12, and insert the following:

"The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no deficiency shall be created and no warrant shall be issued and no expenditures shall be made, nor shall any obligations be incurred, which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes.

"That if any work be not done or the place not filled by the appointment of a person for whom a salary is herein fixed, then such salary shall lapse and be returned to or left in the State Treasury; and provided further, that no person for whom any salary is herein fixed shall be allowed to draw more than the

amount of such salary from any other salary or amount herein fixed or from any fees authorized to be charged or from any other source or from any State fund or funds under the control of the governing authority of such particular court; and provided further, that if any amount herein fixed for any particular purpose be not used for such purpose in whole or in part the unused portion of such fixed amount shall be returned to or left in the State Treasury.

"Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys and all others for copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employes thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employees to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge, and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas, and it shall be the duty of the clerk of said court to make a report to the Comptroller monthly, showing the amount of the fees collected for the preceding month from all sources.

"The warrant or voucher for the salaries to be paid to the judges of the court next hereinabove named shall not be paid or cashed unless the same be accompanied by a true statement from the judge in whose favor the warrant is drawn that such judge has read the briefs of counsel and all motions, and that the record in the case, briefs of counsel and motions were respectively duly considered by all the judges of said court in duly assembled meeting, and that in every instance where such judge disagreed with the majority opinion of the court on any matter, said judge has prepared and duly filed his dissenting opinion, and that he is not a party to any agreement that no dissenting opinion will be filed in any case, and that he has read and considered with the other members of the court every motion for rehearing in every cause in which a motion for rehearing has either been granted or overruled by the majority opinion of the court."

The amendments were severally adopted.

Mr. Quaid offered the following amendment to the bill:

Amend House bill No. 5, on pages 4, 5, 6, 7, 8, 9, 10 and 11, wherever the porter's salary is fixed, that same be changed from "\$720 per year" to "\$600 per year."

The amendment was adopted.

Mr. Quaid offered the following amendment to the section of the bill relating to Court of Civil Appeals, Third District:

Amend House bill No. 5, page 6, line 13, by changing "\$455" to "\$400 for first year."

The amendment was adopted.

Mr. Jones offered the following amendment to the bill:

Amend House bill No. 5, page 12, before the word "Judiciary" by inserting a new paragraph to read as follows:

"Provided, that in all cases where an opinion is rendered by either the Supreme Court, Commission of Appeals, Court of Criminal Appeals, or by any of the Courts of Civil Appeals of Texas, it shall be the duty of the respective clerks of said courts, within five days after such opinion has been rendered, to mail to each attorney of record in such case a certified copy of such opinion without charge."

Signed—Bonham, Jones, Kemble, Quaid.

The amendment was adopted.

Mr. Quaid offered the following amendment to the bill:

Amend House bill No. 5, page 14, by striking out lines 14 to 33, both inclusive.

The amendment was adopted.

Mr. McFarlane offered the following amendment to the bill:

Amend House bill No. 5, line 37, page 7, by inserting "\$100" instead of "\$200" for both 1924 and 1925.

On motion of Mr. Abney, the amendment was tabled.

Mr. Henderson of McLennan offered the following amendment to the bill:

Amend House bill No. 5 by cutting out salaries of all deputy clerks for the different Courts of Civil Appeals.

Mr. Jacks moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—30.

Baker of Milam. Blount.
Baker of Orange. Burmeister.

Collins.
Dunlap.
Durham.
Edwards.
Gipson.
Henderson
of Marion.
Jacks.
Kemble.
Lackey.
Lane.
LeSturgeon.
McDaniel.
McNatt.

Mathes.
Morgan
of Liberty.
Pinkston.
Pool.
Potter.
Quaid.
Russell of Trinity.
Smith.
Stiernberg.
Stroder.
Thrasher.
Williamson.
Wilmans.

Nays—66.

Abney.
Amsler.
Arnold.
Atkinson.
Avis.
Barker.
Barrett.
Bryant.
Cable.
Carpenter
of Matagorda.
Carson.
Chitwood.
Coffee.
Crawford.
Culp.
Davis.
DeBerry.
Dinkle.
Dodd.
Downs.
Driggers.
Duffey.
Dunn.
Fields.
Finlay.
Greer.
Hardin of Erath.
Hardin
of Kaufman.
Henderson
of McLennan.
Hendricks.
Houston.
Jennings.
Laird.

LeMaster.
Looney.
McDonald.
McFarlane.
McKean.
Maxwell.
Melson.
Merritt.
Montgomery.
Morgan
of Robertson.
Pate.
Perdue.
Pope.
Rice.
Robinson.
Rowland.
Sackett.
Sanford.
Satterwhite.
Shearer.
Simpson.
Sparkman.
Stell.
Stevens.
Stewart of Jasper.
Stewart of Reeves.
Sweet.
Teer.
Thompson.
Vaughan.
Wallace.
Westbrook.
Wessels.
Young.

Present—Not Voting.

Mr. Speaker.
Carter of Hays.
Covey.

Harrington.
Harris.
Martin.

Absent.

Baldwin.
Bell.
Bird.
Bonham.
Carter of Coke.
Cowen.

Davenport.
Dielmann.
Faubion.
Fugler.
Green.
Johnson.

Jones.	Purl.
Lamb.	Quinn.
Loftin.	Rountree.
McBride.	Russell
Miller.	of Callahan.
Moore.	Turner.
Patterson.	Wilson.
Price.	

Absent—Excused.

Beasley.	Merriman.
Bobbitt.	Patman.
Carpenter	Rogers.
of Dallas.	Shires.
Frnka.	Stewart
Howeth.	of Edwards.
Hughes.	Storey.
Hull.	Strickland.
Irwin.	Wells.
Lewis.	Winfree.
Lusk.	

Question recurring on the amendment,
yeas and nays were demanded.

The amendment was adopted by the
following vote:

Yeas—70.

Abney.	LeMaster.
Amsler.	Lewis.
Arnold.	Looney.
Atkinson.	McDaniel.
Avis.	McFarlane.
Barker.	Martin.
Barrett.	Mathes.
Beasley.	Maxwell.
Bonham.	Melson.
Bryant.	Merritt.
Cable.	Morgan
Carpenter	of Liberty.
of Matagorda.	Morgan
Carter of Hays.	of Robertson.
Chitwood.	Pate.
Coffee.	Patman.
Covey.	Perdue.
Crawford.	Pope.
Culp.	Rice.
Davis.	Robinson.
Dinkle.	Rowland.
Dodd.	Sanford.
Downs.	Shearer.
Driggers.	Simpson.
Duffey.	Sparkman.
Dunn.	Stell.
Fields.	Stevens.
Finlay.	Stewart of Jasper.
Greer.	Stewart of Reeves.
Hardin of Erath.	Stroder.
Hardin	Teer.
of Kaufman.	Thompson.
Harris.	Vaughan.
Henderson	Wallace.
of McLennan.	Westbrook.
Hendricks.	Wessels.
Houston.	Young.
Laird.	

Nays—36.

Baker of Orange.	McNatt.
Blount.	Montgomery.
Burmeister.	Pinkston.
Carson.	Pool.
Collins.	Potter.
Dunlap.	Purl.
Durham.	Quaid.
Fugler.	Rountree.
Harrington.	Russell of Trinity.
Henderson	Sackett.
of Marion.	Satterwhite.
Jacks.	Shires.
Jennings.	Smith.
Jones.	Stiernberg.
Kemble.	Sweet.
Lackey.	Thrasher.
Lane.	Williamson.
LeSturgeon.	Wilmans.
McDonald.	

Present—Not Voting.

Mr. Speaker.	DeBerry.
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Absent.

Baker of Milam.	Lamb.
Baldwin.	Loftin.
Bell.	McBride.
Bird.	Miller.
Carter of Coke.	Moore.
Cowen.	Patterson.
Davenport.	Price.
Dielmann.	Quinn.
Edwards.	Russell
Faubion.	of Callahan.
Gipson.	Turner.
Green.	Wilson.
Johnson.	

Absent—Excused.

Bobbitt.	McKean.
Carpenter	Merriman.
of Dallas.	Rogers.
Frnka.	Stewart
Howeth.	of Edwards.
Hughes.	Storey.
Hull.	Strickland.
Irwin.	Wells.
Lusk.	Winfree.

Mr. Henderson of McLennan moved to
reconsider the vote by which the amend-
ment was adopted and to table the mo-
tion to reconsider.

The motion to table prevailed.

House bill No. 5 was then passed to
engrossment.

HOUSE BILL NO. 5 ON THIRD READING.

Mr. Quaid moved that the constitu-
tional rule requiring bills to be read
on three several days be suspended and

that House bill No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—95.

Mr. Speaker.	LeStourgeon.
Abney.	Looney.
Amsler.	McDaniel.
Arnold.	McDonald.
Atkinson.	McFarlane.
Avis.	McNatt.
Baker of Milam.	Martin.
Baker of Orange.	Mathes.
Baldwin.	Maxwell.
Barker.	Melson.
Barrett.	Merritt.
Beasley.	Montgomery.
Blount.	Morgan
Bryant.	of Liberty.
Cable.	Pate.
Carpenter	Pinkston.
of Matagorda.	Pool.
Carson.	Pope.
Carter of Hays.	Potter.
Chitwood.	Purl.
Coffee.	Quaid.
Collins.	Rice.
Covey.	Robinson.
Crawford.	Rountree.
Culp.	Rowland.
DeBerry.	Russell of Trinity.
Dinkle.	Sackett.
Dodd.	Sanford.
Downs.	Satterwhite.
Driggers.	Shearer.
Duffey.	Simpson.
Dunlap.	Smith.
Dunn.	Sparkman.
Durham.	Stell.
Fields.	Stevens.
Greer.	Stewart of Jasper.
Hardin of Erath.	Stewart of Reeves.
Harrington.	Stroder.
Harris.	Sweet.
Henderson	Teer.
of McLennan.	Thompson.
Hendricks.	Thrasher.
Houston.	Vaughan.
Jacks.	Wallace.
Jennings.	Westbrook.
Jones.	Wessels.
Kemble.	Williamson.
Lackey.	Wilmons.
Laird.	Young.
Lane.	

Nays—5.

Davis.	Patman.
Finlay.	Perdue.
Hardin	
of Kaufman.	

Present—Not Voting.

Stiernberg.

Absent.

Bell.	LeMaster.
Bird.	Loftin.
Bonham.	McBride.
Burmeister.	Miller.
Carter of Coke.	Moore.
Cowen.	Morgan
Davenport.	of Robertson.
Dielmann.	Patterson.
Edwards.	Price.
Faubion.	Quinn.
Fugler.	Russell
Gipson.	of Callahan.
Green.	Shires.
Henderson	Turner.
of Marion.	Wells.
Johnson.	Wilson.
Lamb.	

Absent—Excused.

Bobbitt.	Lusk.
Carpenter	McKean.
of Dallas.	Merriman.
Frnka.	Rogers.
Howeth.	Stewart
Hughes.	of Edwards.
Hull.	Storey.
Irwin.	Strickland.
Lewis.	Winfree.

The Speaker then laid House bill No. 5 before the House on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL NO. 14 ON ENGROSSMENT.

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 14, A bill to be entitled "An Act providing for the collection of delinquent occupation, franchise, inheritance and insolvent taxes and other money due the State, and providing a means for collecting such taxes; repealing all laws in conflict with this act, and declaring an emergency."

The bill having been read second time on Monday with (committee) amendment by Mr. Smith pending.

Question recurring on the (committee) amendment, it was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 14 by striking out all of Sections 2, 3, 4 and 5 and all of Section 1 after the word "State," in line 18, page 1.

(Mr. Beasley in the chair.)

Mr. Satterwhite offered the following amendment to the bill:

Amend House bill No. 14 by striking out the enacting clause.

The amendment was lost.

Mr. Bonham offered the following substitute for the amendment by Mr. Pope:

Amend House bill No. 14, page 2, line 29, by adding at the close of Section 5, the following: "Provided, that the person employed to collect such taxes shall receive no fee, except in cases where he does the actual work of collecting the tax."

Mr. Pope raised a point of order on consideration of the substitute on the ground that it is contradictory to other portions of the bill.

The Speaker overruled the point of order.

(Speaker in the chair.)

On motion of Mr. Teer, further consideration of the bill was postponed until 3 o'clock p. m. tomorrow.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Melson and Mr. Stewart of Reeves:

H. B. No. 53, A bill to be entitled "An Act providing for the collection of delinquent taxes of levee improvement districts; providing a method of procedure therefor; and providing that same shall take effect and be in force from and after January 1, 1924."

Referred to Committee on Conservation and Reclamation.

By Mr. Loftin:

H. B. No. 54, A bill to be entitled "An Act appropriating \$10,000,000 out of the State Treasury to aid all public schools for the scholastic years beginning September 1, 1923, and ending August 31, 1925, the same to be equally divided for each scholastic year, and to be distributed as the school fund is now distributed, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Lackey:

H. B. No. 55, A bill to be entitled "An Act levying an occupation tax on persons, firms or corporations engaged in the occupation of maintaining bill-

boards; defining the term billboards, maintaining billboards; and providing that the occupation tax so levied shall be three cents per square foot."

Referred to Committee on Revenue and Taxation.

ADJOURNMENT.

Mr. Satterwhite moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Quinn moved that the House adjourn until 9 o'clock a. m. tomorrow.

The motion of Mr. Satterwhite prevailed, and the House, accordingly, at 5:30 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees have filed favorable reports today on bills as follows:

Appropriations—House bill No. 7.

Education—House bills Nos. 51, 49.

Revenue and Taxation—House bill No. 52.

The following standing committees have filed unfavorable reports today on bills as follows:

Revenue and Taxation—House bill No. 22.

Appropriations—House bill No. 13.

Liquor Traffic—House bill No. 39.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, April 25, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 20, A bill to be entitled "An Act providing that any hotel or boarding house or other place to which the people resort for board or lodging and which place repeatedly permits employes or guests to make, sell or give away intoxicating liquor or permits parties to drink intoxicating liquors to excess, or permits gambling or prostitution, shall be declared a nuisance to be abated by the courts; and providing that when such acts are repeatedly committed by guests or employes that fact

shall be prima facie evidence that the proprietors, managers or those in charge have knowledge of same, and unless controverted shall be grounds for issuing an order of injunction; and providing that it shall not be necessary to prove that such conditions obtain at the time of the sitting of the court, but only that the material allegations are true, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,
Austin, Texas, April 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 10, A bill to be entitled "An Act to tax property passing by will or by descent or by grant or gift taking effect on the death of the grantor or donor; providing for the collection of such tax, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502, Revised Civil Statutes of Texas, 1911; also repealing Chapter 21 of the Acts of the First Called Session of the Thirtieth Legislature, Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, and Chapter 164 of the Acts of the Regular Session of the Thirty-sixth Legislature, and repealing all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,
Austin, Texas, April 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 15, A bill to be entitled "An Act to amend Articles 7407, 7409, 7414, 7415 and 7416 of the Revised Statutes of the State of Texas of 1911, relative to the taxation of the intangible assets of certain corporations, associations and individuals, and providing for the creation of a State Tax Board for the valuation of such intangible assets and for the distribution of said values for local taxation and for the assessment of said assets and the levy and collection of taxes thereon; and to provide for the repeal

of all laws and parts of laws laying taxes upon the gross incomes of corporations, associations and individuals affected by the provisions thereof, so that as by this act amended, said article shall provide that other and additional individuals, corporations, companies and associations be included and made subject to the provisions thereof; providing that any such individual, company, corporation or association engaged in any other business, upon which an occupation tax based on gross receipts is levied, shall not be relieved from the payment of such occupation tax by reason of the payment of taxes based on intangible values; fixing the salary of the Tax Commissioner, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,
Austin, Texas, April 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 25. A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, as amended by Chapter 61 of the General Laws, First Called Session, Thirty-seventh Legislature, making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or to possess, receive, manufacture, or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages, and making it unlawful for any person, directly or indirectly, to possess, or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous or malt liquors or medicated bitters, or any potable liquor, mixture or preparation containing in excess of one

per cent of alcohol by volume, or to possess, receive, manufacture or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; and be further amended by adding thereto Section 2, making proof of possession of mash, or of a still or any device for manufacturing intoxicating liquors, or proof of the possession of more than one quart of intoxicating liquors prima facie evidence of guilt wherever possession or receipt, or possession or receipt for the purpose of sale, is made unlawful by this act; and amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Section 35a, with reference to seizure and destruction of the vehicles and instrumentalities used for the violation of the liquor laws of this State, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

NINTH DAY.

(Thursday, April 26, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Coffee.
Amsler.	Collins.
Arnold.	Covey.
Atkinson.	Cowen.
Avis.	Crawford.
Baker of Milam.	Davenport.
Baker of Orange.	Davis.
Barker.	DeBerry.
Barrett.	Dodd.
Beasley.	Downs.
Bell.	Driggers.
Bonham.	Duffey.
Bryant.	Dunlap.
Burmeister.	Dunn.
Cable.	Durham.
Carpenter	Edwards.
of Dallas.	Fields.
Carpenter	Finlay.
of Matagorda.	Fugler.
Carson.	Gipson.
Carter of Hays.	Green.
Chitwood.	Greer.

Hardin of Erath.	Perdue.
Hardin	Pinkston.
of Kaufman.	Pool.
Harrington.	Pope.
Harris.	Potter.
Henderson	Price.
of Marion.	Purl.
Henderson	Quaid.
of McLennan.	Quinn.
Hendricks.	Rice.
Houston.	Robinson.
Howeth.	Rountree.
Irwin.	Rowland.
Jacks.	Russell
Jennings.	of Callahan.
Johnson.	Russell of Trinity.
Jones.	Sackett.
Kemble.	Sanford.
Lackey.	Satterwhite.
Laird.	Shearer.
Lane.	Shires.
LeMaster.	Simpson.
LeSturgeon.	Smith.
Lewis.	Sparkman.
Loftin.	Stell.
Looney.	Stewart
McDaniel.	of Edwards.
McDonald.	Stewart of Jasper.
McFarlane.	Stewart of Reeves.
McNatt.	Stiernberg.
Martin.	Stroder.
Mathes.	Sweet.
Maxwell.	Teer.
Merritt.	Thrasher.
Miller.	Vaughan.
Montgomery.	Wallace.
Moore.	Wells.
Morgan	Westbrook.
of Liberty.	Wessels.
Morgan	Williamson.
of Robertson.	Wilmans.
Pate.	Wilson.
Patman.	Winfree.
Patterson.	Young.

Absent.

Dielmann.	Lamb.
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Absent—Excused.

Baldwin.	Lusk.
Bird.	McBride.
Blount.	McKean.
Bobbitt.	Melson.
Carter of Coke.	Merriman.
Culp.	Rogers.
Dinkle.	Stevens.
Faubion.	Storey.
Frnka.	Strickland.
Hughes.	Thompson.
Hull.	Turner.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.